

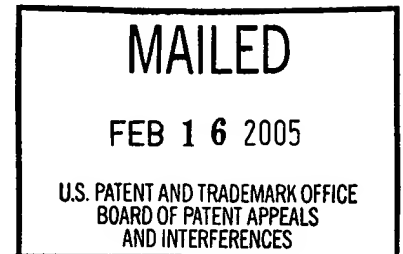
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte WILLIAM J. McBRIDE and  
GARY L. GRIFFITHS

Application No. 09/676,783



**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received at the Board of Patent Appeals and Interferences on December 22, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 10, 2004, Appellants filed a Request for Oral Hearing along with a Reply Brief. This submission needs to be rescanned in the electronic file as follows:

1. Pages 1 and 2 need to be rescanned as a separate paper - Request for Oral Hearing (APOH) dated 5/10/4, and
2. pages 3-8 need to be rescanned as Reply Brief filed (APRB) dated 5/10/4.

Additionally, there is no indication on the record that this paper was considered by the examiner.

Application No. 09/676,783

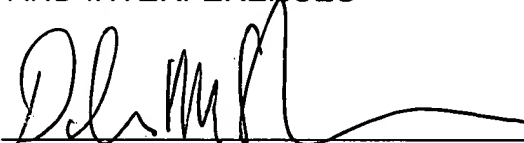
Accordingly, it is

ORDERED that the instant application be electronically returned to the examiner to:

- (1) have the Request for Oral Hearing and Reply Brief scanned as separate papers;
- (2) consider the Reply Brief;
- (3) written notification to appellants of said consideration; and
- (4) for such action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw  
Program and Resource Administrator  
(571) 272-9797

Heller, Ehrman, White & McAuliffe, LLP  
1666 K Street, NW  
Suite 300  
Washington, DC 20006

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